

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	<b>04CR 10231-MLW</b>	
	)		
UNITED STATES OF AMERICA	)		<b>CRIMINAL NO.</b>
	)		
v.	)		<b>VIOLATIONS:</b>
	)		
PETER V. MAGGIO, III,	)		
	)		WIRE FRAUD
WILLIAM A. HOWE,	)		18 U.S.C. § 1343
	)		AIDING and ABETTING
MATT A. HAVEY,	)	18 U.S.C. § 2	
	)		
Defendants	)		
_____	)		

**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

1. At all times material to this Indictment, defendant PETER V. MAGGIO, III ("MAGGIO") held himself out as the principal of and an agent for Earth Site and Utility Corporation, a contracting company engaged in interstate commerce with a principal place of business at 251 Corporation Way in Medford, Massachusetts. MAGGIO, with the assistance of others, also exercised control over a number of entities and bank accounts in the name(s) of individuals doing business as ("dba"):

Earth Management & Equipment Co., Inc., also known as Earth Management Equipment Co.

Metropolitan Crushing & Materials

Metropolitan Transportation & Equipment

MAGGIO also exercised control over a bank account in the name of Mass Equipment Leasing Corp. ("Mass Equipment").

From in or about July 1998 to in or about May 2000, defendant MAGGIO devised a scheme to use "straw" borrowers to obtain loans from commercial lenders for purchases and leases of tractor trucks and construction equipment.

2. At all times material to this Indictment, defendant WILLIAM A. HOWE ("HOWE") was an accountant who operated an office from his home at Melrose, Massachusetts. Defendant HOWE produced false and fictitious financial records in the names of "straw" borrowers for the purchases and leases of tractor trucks and construction equipment, including commercial loans in the name of defendant HAVEY doing business as Metropolitan Crushing & Materials ("Metro Crushing") and Metropolitan Transportation & Equipment ("Metro Transportation").

3. At all times material to this Indictment, defendant MATT A. HAVEY ("HAVEY") was an employee of an automobile service company. HAVEY also represented himself to be the owner and operator of entities identified as Matt Havey doing business as Metro Crushing, and Matt Havey doing business as Metro Transportation. Defendant HAVEY acted as a "straw" borrower for MAGGIO, full well knowing that false and fictitious loan applications and financial documents were used to obtain loans from commercial lenders for purchases and leases of tractor

trucks and construction equipment, more particularly from ORIX Credit Alliance, Inc.,

4. At all times material to this Indictment, ORIX Credit Alliance, Inc. was engaged in interstate commerce as a commercial lender for the purchase and lease of construction equipment and trucks, with a principal place of business at 140 Route 17 North, Paramus, New Jersey.

5. At all times material to this Indictment, O'Connor GMC, Inc. ("O'Connor GMC") was a dealership engaged in interstate commerce for the sale of tractor trucks, with a principal place of business at 187 Riverside Drive, Augusta, Maine. The dealership was also known as O'Connor Volvo Truck & GMC, O'Connor White GMC and O'Connor Buick GMC, with additional places of business at Portland and Westbrook, Maine.

COUNT ONE

**WIRE FRAUD**

**(Title 18, United States Code, Section 1343)**

The Grand Jury further charges:

6. Paragraphs 1 through 5 of this Indictment are re-alleged and incorporated as if fully set forth herein.

7. From on or about August 9, 1999 to on or about August 12, 1999, at Medford and Malden in the District of Massachusetts, and elsewhere,

**PETER V. MAGGIO**

**WILLIAM A. HOWE**

**and**

**MATT A. HAVEY**

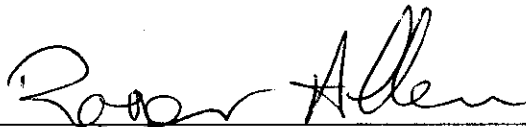
defendants herein, together with others known and unknown to the Grand Jury, having devised a scheme and artifice to defraud ORIX Credit Alliance, Inc. of \$261,611.17, more or less, by intentionally and knowingly materially misrepresenting the identities of the true purchaser and lessor of trucks and construction equipment, withholding and materially misrepresenting the true owner and user of purchased and leased trucks and construction equipment, withholding and materially misrepresenting the persons and entities to be responsible for repayment of commercial loans, materially misrepresenting the income and employment of purported purchasers and lessors of trucks and construction equipment, and materially misrepresenting the true

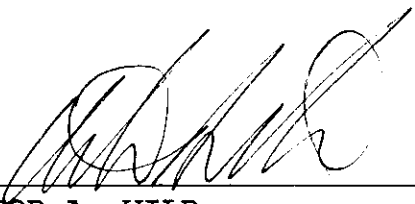
nature of purported "dba" entities used to obtain commercial loans,

and for the purpose of executing and in further execution of their scheme and artifice to defraud, defendants PETER V. MAGGIO, WILLIAM A. HOWE and MATT A. HAVEY caused a commercial loan insurance binder in the name of defendant HAVEY dba Metro Transportation to be transmitted by means of wire communication (telefax) in interstate commerce from Paul Murphy Insurance Co. at Malden, Massachusetts to ORIX at Paramus, New Jersey.

All in violation of Title 18, United States Code, Sections 1343 and 2.

A TRUE BILL


  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

  
\_\_\_\_\_  
VICTOR A. WILD  
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS,

AUGUST 05, 2004

Returned into the District Court by the Grand Jurors and filed.

  
\_\_\_\_\_  
Deputy Clerk 8/5 3:36  
(WLS)